

Pages #
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JIMMIE STEPHEN
#C-56483 / A-1149
PO BOX 8101
SAN LUIS OBISPO, CA 93409-0001

FILED
08 MAR 28 PM 12:56
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COURT of UNITED STATES District
STATE of CALIFORNIA - Northern

CASE # CU-07-6379-
JW(PD)

JIMMIE STEPHEN - M. "Belton"
Plaintiff

"SUPPRESSED DOCUMENTS"
"WILLFULLY"
Plaintiff for "GOOD CAUSE" REQUEST
"SUPPLEMENT #2" FELP #15.

R. Hernandez
ET AL DEFENDANTS

1. SEE Count #3 of "Complaint" as
to "Plaintiff Belton".
2. "DOCUMENTS" of 12-16-05 WILLFULLY
DENIED. UNTIL 3-21-08

Plaintiff STEPHEN hereby REQUEST to "SUPPLEMENT
#2" for "GOOD CAUSE" NO PREJUDICE to DEFENDANTS in CU-07-
6379-JW in U.S.D.C. Northern based upon "WILLFUL" and
"malicious" withholding "DOCUMENTS" for "ACCESS to COURT" and
"DUE PROCESS of LAW". DENIED. withheld "31" months "WILLFULLY".
"NGO v WOODFORD" 126 S.Ct. 2378 (2006). Exhaustion
of REMEDIES is mandatory.

Plaintiff states under "WARNER HERNANDEZ" Rights
to "ACCESS" "DUE PROCESS" DENIED. INFRINGED. WILLFULLY. "maliciously".
"EXHIBIT #14243."

EXHIBIT # 1-3...

UNDER "LRA D HERRERA" 427. f31.1164 (9th 2005).
 ALL UNEXHAUSTED CLAIMS DISMISSED but EXHAUSTED
 CLAIMS CAN PROCEED.

WRITE-UP of 8-8-05 REFERS to Plaintiff "Beltan" (Count #3)

"Withholding Grievances"

EXHIBIT # 1..

of 12-16-05.
 RECEIVED 3-21-08..

IN APPEAL # EJA-3-05-01607 DUE 11-28-05 THE
 APPEALS COORDINATOR "Cata" MONDZ WILLFULLY DENIED ACCESS
 TO "2ND LEVEL COMPLETED APPEAL" by REP WARRIOR "ARMOSKUS"
 DATED 12-16-05 WILLFULLY FROM INCLINAVE of 8-8-05..

AS APPEALING "GRIEVANCE" of 12-16-05 "STOLEN"
 FROM PLAINTIFF "LEGAL, CONFIDENTIAL MAIL" (WHEN) SENDING TO
 3RD LEVEL AFTER "DECISION TO" REISSUE AND REHEAR
 ALL THE PROCESS DENIED. RECEIVED 3-21-08 by "LOPA" CCI..

EXHIBIT # 2..

ON 5-16-07 COUNSELOR "OSHIRO" of CMC DID WILL-
 FULLY EXPRESS PLAINTIFF "60 DAYS" FOR WRITE-UP of 8-8-05
 AS UNDER "DOM # 54100.18.3" THIS IS PROHIBITED..

EXHIBIT # 3..

OVER "31 MONTHS" HAVE PASSED SINCE ORDER of
 12-16-05 "NO REHEARING" HELD.. APPEAL MUST BE "GRANTED"
 IN FULL AS 115 IS "VOID" BY PATTEN. CUSTOM. POLICE.

DAYS # 3-18..

"COPY of "ENTIRE ORDER" and GRIEVANCE ENCLOSED"

"RELIEF REQUESTED"

1. "Granting" of "SUPPLEMENT #2" FORTHWITH..
2. AND "OTHER RELIEF" by this COURT.

DATE 3-24-08

TRUE AGAINST FEARS OF RETORT
 SIGNATURE

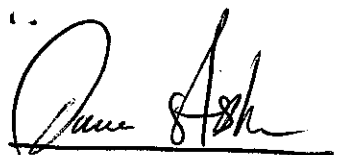


EXHIBIT [#] 1

COPY of ENTIRE APPEAL of 8-8-05
with "ORDER" to "RE-ISSUE" REHEAR DATED
12-16-05 as to Plaintiff "Belton".

All Rights DENIED..

DUE PROCESS DENIED Stated in ORDER
of 12-16-05..

As Acts of 12-16-05 show "ongoing" Pattern
by HEWITT, Costa, and Munoz to deprive of Rights
of Access by GRIEVANCE, etc.

Patterned ~~Custom~~ Police..

EXHIBITS [#] 1-3..

DEPARTMENT OF CORRECTIONS
CHARL J. DONOVAN CORRECTIONAL FACILITY
P.O. Box 799006
San Diego, CA 92179-9006

0163



April 25, 2005

Mr. Jimmie Stephen
C-56483
F3-13-105U

Dear Mr. Stephen:

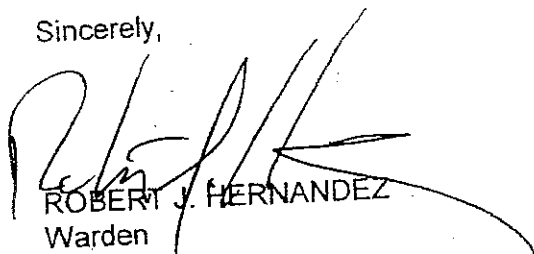
I am in receipt of four Inmate/Parolee Appeals (CDC forms 602) as listed below:

- May 26, 2004, requesting half-time credits be applied retroactively to 1989;
- June 4, 2004, requesting family visits, adult magazines, etc.;
- June 10, 2004, regarding Inmate Trust Account Statements;
- August 27, 2004, requesting to see an Optometrist.

Your documentation has been forwarded to the Appeals Coordinator for review. As you are aware, an inmate under the jurisdiction of the California Department of Corrections (CDC) who feels that any departmental decision, action, condition, or policy which they can demonstrate has an adverse effect upon their welfare may submit an Inmate/Parolee Appeal (CDC form 602) seeking relief from the adverse condition. The CDC has a procedure established by law to process the request for grievance up to the Director's level of review.

If you have any questions or need additional information, please contact the Appeals Office via institutional mail.

Sincerely,


ROBERT J. HERNANDEZ
Warden

cc: A. Cota, Appeals Coordinator

- - INMATE APPEAL ROUTE SLIP

To: F3

Date: October 17, 2005

From: INMATE APPEALS OFFICE

14-129U

Re: Appeal Log Number RJD-3-05-01607 By Inmate STEPHEN, C56483

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: DISCIPLINARY

Due Date: 11/28/2005

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

J. T. Stovall

Inmate Appeals Coordinator

R.J. Donovan Correctional Facility

McMATH

DATE: November 16, 2005

NAME: - - STEPHEN, J.

CDC: C-56483

APPEAL #: 05-1607 SECOND LEVEL REVIEW

APPEAL DECISION: PARTIALLY GRANTED

APPEAL ISSUE: You are appealing a Serious CDC-115 Rules Violation Report (RVR), Log No. F3-05-410, dated August 8, 2005, in which you were found guilty of violating California Code of Regulations (CCR) Title 15, Section 3005(a) Conduct: Stalking. You contend that the charge of Stalking was not substantiated, the Mailroom Supervisor violated procedure by opening an envelope marked "Legal Mail", a conflict of interest existed with the Senior Hearing Officer (SHO) and that you were not provided a copy of the letter intercepted by the Mailroom Supervisor and turned over to the Security and Investigations Unit.

Specifically, you request a "conflict of interest be declared" against the SHO, Correctional Lieutenant R. Shelar and that the RVR be dismissed.

APPEAL RESPONSE: In reaching a decision on this matter, a thorough review of your appeal and the attached documentation was conducted. Applicable sections of the CCR were also reviewed. Additionally, on November 16, 2005, you were interviewed by Lt. D. McMahan regarding your appeal. During the interview you reiterated the statements in your appeal and presented no further evidence or information.

Mr. Stephen, a review of the processing of your CDC-115 indicates all time constraints were met, but there appears to be a due process issue in that you were not provided a copy of the handwritten letter you allegedly wrote to Correctional Officer Belton, which was intercepted by Mailroom Supervisor J. McNeil. During the hearing the SHO acknowledged the letter was unavailable, but stated it was not considered as evidence in the hearing. However, item #1 of the SHO's Findings makes direct reference to the letter and its contents as part of the culpatory evidence. Additionally, the letter is referenced by multiple witnesses in the Investigative Employee's Report and appears to be the key link between you, the log which was subsequently discovered in your cell and the Stalking charge. Therefore, you were entitled to a copy of that letter prior to your hearing.

Your claim that the Mailroom Supervisor violated procedure by opening an envelope marked "Legal Mail" is without merit. The term "Legal Mail" applies to correspondence between inmates and attorneys. The envelope in question was an interdepartmental "U-Save-Em" envelope addressed to a staff member. You also failed to show that a conflict of interest resided in the SHO. Finally, the issue of whether or not the charge of Stalking can be substantiated is moot in that a new hearing will be ordered for the RVR.

STEPHEN, J. #C-56483
Appeal Log #05-1607 -
Page 2

Your request that a "conflict of interest be declared" against the SHO and that the RVR be dismissed is denied. However, the RVR is ordered Re-issued/Reheard to comply with due process concerns. Therefore, your appeal is PARTIALLY GRANTED at this Second Level of Review.



S. ARMOSKUS
Chief Deputy Warden

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J. (1)	RELEASE/BOARD DATE	INST. RJDCF	HOUSING NO. 13-105U	LOG NO. F3-05-410
VIOLATED RULE NO(S). CCR 3005(a) CONDUCT		SPECIFIC ACTS STALKING	LOCATION Unit #13	DATE 08/08/05	TIME 13:30

On Tuesday, August 8, 2005, at approximately 1330 hours, the Investigative Services Unit (ISU) concluded an investigation into Inmate STEPHEN's, J., C-56483, F3-13-105U, stalking Correctional Officer M. Belton. On August 5, 2005, the ISU received a handwritten letter that was intercepted by Mailroom Supervisor J. McNeil. The letter was inside of a U SAVE 'EM envelope addressed to Officer Belton. Inmate STEPHEN's states in the letter that he is in love with Officer Belton. Included in the U SAVE 'EM envelope was a second U SAVE 'EM envelope addressed to Inmate STEPHEN himself, and the letter contained instructions for Officer Belton not to include her name in her response and he would be able to identify her letter by the included self-addressed envelope. ISU Officer, Correctional Officer R. Billingsley and I conducted a search of Inmate STEPHEN's Cell F3-13-105. During the search, Officer Billingsley discovered a chronological log when Officer Belton worked Housing Unit 13 and her demeanor towards him when she did. As a result, Inmate STEPHEN was rehoused in the Administrative Segregation Unit (ASU). Inmate STEPHEN is aware of this report.

MHSDS: CCMS REPORTING EMPLOYEE (Typed Name and Signature) A. Vasquez		DATE 8-15-05	ASSIGNMENT S & I "A", ISU	RDO'S S/S/H
REVIEWING SUPERVISOR'S SIGNATURE J. N. CLARKE, Sergeant		DATE 8-16-05	<input checked="" type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: E(1)	DATE 8-16-05	CLASSIFIED BY (Typed Name and Signature) J.W. DRESBACH, Facility Captain	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING	
CDC 115 <input type="checkbox"/> INCIDENT REPORT LOG NUMBER: N/A	BY: (STAFF'S SIGNATURE) [Signature] DATE 8/16/05 TIME 1210 TITLE OF SUPPLEMENT N/A
BY: (STAFF'S SIGNATURE) [Signature]	DATE [Blank] TIME [Blank] BY: (STAFF'S SIGNATURE) [Blank] DATE [Blank] TIME [Blank]

HEARING
 Inmate issued copies of copies of all documents; including envelopes, signatures, etc;
 this date: **8-15-05** Issued by: **M/R/S** Time: **11:42** hours.

Inmate STEPHEN appeared before this Senior Hearing Officer (SHO) on 9-15-05 at 1940 hours and was in good health. He received all pertinent copies 24 hours prior to this hearing. All charges were read to him and he was prepared to proceed. He is a MHSDS participant at the CCMS level of care. STAFF ASSISTANT: Not assigned per CCR 3315(d)(2)(A)1,2,3. INVESTIGATIVE EMPLOYEE: C/O Diaz was assigned and her report was taken into consideration. WITNESSES: None requested for this hearing. INMATE PLED: NOT GUILTY, stating, "It ain't mine, the log might be mine because I have a case against Sgt. Clarke. I was keeping track of who he put in my building to set me up." FINDINGS: GUILTY of CCR 3005(a) CONDUCT, Specifically: STALKING (Behavior which endangers another person), based on: The RVR, authored by C/O Vasquez, dated 8-8-05, which states in part; that on 8-5-05, the Investigative Services Unit (ISU) received a handwritten letter which was intercepted by Mailroom Supervisor J. McNeil. The letter was in a U-Save-Em envelope addressed to C/O Belton. Inmate STEPHEN states in the letter that he is in love with C/O Belton. ISU Officer Billingsley and I conducted a search of Inmate STEPHEN's cell F3-13-105. During the search Officer Billingsley found a chronological log when C/O Belton worked H/U #13 and her demeanor towards him when she did.

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	HEARING CONTINUED ON PART-C page 1 of 2			
CTION BY: (TYPED NAME) R. J. SHELAR, Lieutenant	SIGNATURE [Signature]		DATE 9-15-05	TIME 1940
VIEWED BY: (SIGNATURE) J. W. DRESBACH, Facility Captain	DATE 9-20-05	CHIEF DISCIPLINARY OFFICER'S SIGNATURE [Signature]	DATE 9-26-05	
COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]		DATE 9-26-05	TIME [Blank]

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	LOG NUMBER F3-05-410	INSTITUTION RJDCC	TODAY'S DATE 9-13-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER				

IE (continues).....

STAFF WITNESS STATEMENT: Mailroom Supervisor, J. McNeil: "On 8-5-05, while performing my duties as the Institutions Mailroom Supervisor, I intercepted a handwritten letter in a U SAVE 'EM envelope addressed to C/O Belton. I called Correctional Sgt. J. Clarke of the Investigative Service Unit (ISU) briefly explaining to him of the letter I intercepted in the Mailroom addressed to C/O Belton. I explained to Sgt Clarke I did not want to talk to him over the phone and preferred talking to him in person. During my meeting with Sgt. Clarke, I turned over the U SAVE 'EM envelope and the letter addressed to C/O Belton to him."

INMATE STEPHEN, J., C-56483 has the following questions for Mailroom Supervisor J. McNeil:

Q: "What did you do when you received the letter?"
 A: "I called the Squad."
 Q: "Who was present at the time the letter was found or opened?"
 A: "No one."
 Q: "Was the alleged victim present when the letter was opened?"
 A: "No."
 Q: "What did the envelope contain?"
 A: "A letter in a U SAVE 'EM and another U SAVE 'EM with her name on the return envelope."
 Q: "Was there any markings, or other names on the envelope than the victim C/O Belton?"
 A: "Her first initial and her last name."

INMATE STEPHEN has the following questions for ISU Officer A. Vasquez:

Q: "What did you do when the letter was received?"
 A: N/A.
 Q: "Who was present at the time the alleged letter was found?"
 A: N/A
 Q: "Was the alleged victim present when the letter was opened?"
 A: "No."
 Q: "What did the envelope contain?"
 A: "A letter in a envelope."
 Q: "Was there any markings or names other than victim?"
 A: "Yes."

COPY of IE Issued to I/M by: _____ Date: _____ Time: _____

<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER M. Diaz, Correctional Officer	DATE SIGNED 9-13-05
	GIVEN BY: (Staff's Signature)	DATE SIGNED
		TIME SIGNED

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J. (1)	VIOLATED RULE NO(S) 3005(a)	DATE 8/08/05	INSTITUTION RJDCJ	LOG NO. F3-05-410
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A
---------------------------------	--------------------

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE	DATE
--	--------------------	------

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
---	--------------------	------

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
-----------------------------------	------	---------------

<input type="checkbox"/> NOT ASSIGNED	REASON
---------------------------------------	--------

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE <i>[Signature]</i>	DATE 8-16-05
---	--	-----------------

<input checked="" type="checkbox"/> ASSIGNED	DATE 9-7-05	NAME OF STAFF M. DIAZ, CORRECTIONAL OFFICER
--	----------------	--

<input type="checkbox"/> NOT ASSIGNED	REASON
---------------------------------------	--------

EVIDENCE/INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)				
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

On 9-7-05, at approximately 1045 hours, I informed Inmate STEPHEN, CDC# C-56483 that I was a fact finder for the Senior Hearing Officer and my function was to gather pertinent information, question staff and/or inmates, and submit a written report. Inmate STEPHEN stated he understood my position as the Investigative Employee and had no objection to my assignment.

DEFENDANT'S STATEMENT: Inmate STEPHEN, J., C-56483: "I'm not guilty, it was not mine."

REPORTING EMPLOYEE'S STATEMENT: "On 8-8-05, the Investigative Services Unit (ISU) concluded an investigation into Inmate STEPHEN, J., C-56483, F3-13-105U, stalking C/O Belton. On 8-5-05, the ISU received a handwritten letter that was intercepted by Mailroom Supervisor J. McNeil. The letter was inside of a U SAVE 'EM envelope addressed to C/O Belton. Included in the U SAVE 'EM envelope was a second U SAVE 'EM envelope addressed to Inmate STEPHEN himself, and the letter contained instructions for C/O Belton not to include her name in her response and he would be able to identify her letter by the included self-addressed envelope. ISU Officer R. Billingsley and I conducted a search of I/M STEPHEN's Cell F3-13-105. During our search, we discovered a chronological log when C/O Belton worked in H/U #13 and her demeanor towards him when she did. As a result, we placed I/M STEPHEN in Ad-Seg. This concludes my statement."

COPY OF IS Issued to I/M by: [Signature] Date: 9-10-05 Time: 1:30

M. Diaz, Correctional Officer

CONTINUED on PART-C page 1 of 2

COPY OF CDC 115-A GIVEN INMATE	BY (STAFF'S SIGNATURE) <i>[Signature]</i>	INVESTIGATOR'S SIGNATURE <i>[Signature]</i>	DATE 9-10-05
		TIME 12:00	DATE 8-16-05

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

JDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	LOG NUMBER F3-05-410	INSTITUTION RJDCF	TODAY'S DATE 9-20-05
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

Hearing (continues).....

Findings (continue).....

2. The I.E Report which reiterates the statements in the EVR.

3. Inmate STEPHEN's statement during the hearing that the log was his.

4. The Chronological log I/M STEPHEN maintained dating back to at least 12-25-03, in which he details specific dates when Officer Belton was assigned to Fac.3, his conversation and other interactions with her on those dates, and her response to him or toward him.

NOTE: The letter referred to in the EVR which alerted ISU Staff to I/M STEPHEN's activities regarding Officer Belton was not available at the time of the hearing, and I/M STEPHEN was not supplied a copy of it. The SHO also was not provided a copy of this letter, and therefore, it was not considered as evidence in this hearing. I/M STEPHEN's was established as the author of the chronological log by his statements during the hearing, specifically; "The log might have been mine. I have a case against Sgt. Clarke. I was keeping track of who he put in my building to set me up." Inmate STEPHEN's claim to have been keeping track of the staff assigned to his building is not credible in that he did not note any other staff names, nor did he make daily entries. His entries were specific to C/O Belton and the date she was assigned to work Fac.3. In the hearing I/M STEPHEN stated the entries only referred to the subject as "B" and claimed that the entries were not about C/O Belton, but were about another person by the name of "Bonner". The name Bonner appears on an undated page in the log, however on that same page I/M STEPHEN's has made an entry listing his housing as D4-228, clearly not a bed number for the RJDCF, and written a statement that he is "scheduled to go to Donovan soon." Also, there are no C/O's of that last name who were employed at RJDCF during the time frame of the log. When asked by this SHO who Bonner was, I/M STEPHEN was evasive and merely stated "some person". This SHO therefore deems this statement not credible.

Taken together, the aforementioned evidence constitutes a preponderance of evidence, which supports a finding of Guilty of CCR 3005(a) Conduct, Specifically; Stalking (Behavior which endangers another person).

DISPOSITION: Assessed 60 days Time Credit forfeiture for a Division E-7 offense.

Assessed 60 days Loss of Privileges from 9-15-05 thru 11-14-05 to include no family visits, evening dayroom/yard, special purchases, quarterly packages, nor non-emergency calls.

Reprimanded and counseled that this type of behavior will not be tolerated.

Refer to Classification for program/housing review.

The inmate was advised he would receive a final copy of this report after audit by the Chief Disciplinary Officer, and of his appeal rights per CCR 3084.1; and further advised of the credit restoration and disciplinary-free period requirements per CCR 3327/3328.

SIGNATURE OF WRITER R.J. SHELAR, Correctional Treatment		DATE SIGNED 9-15-05	
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME SIGNED
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE			

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

"3,084-7"

1.

05-11607

2.

67

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C56483	AD-SB	7-146

A. Describe Problem: On 9-15-05 found "Guilty" by Lt STELAR without ALLEGED "Letter" "ENVELOPE" front no Back to SHOW legal mail SEALED by Staff as front of Letter states Confidential, Legal mail, to be ALLEGED EMPLOYEE MD OPENED, by J. MCNEEL without the VICTIM PRESENCE ect., this EVIDENCE COVERED-UP DEPRIVED Plaintiff of Documentary EVIDENCE to PROVE INNOCENSE. Rights Deprived. "Woff J. McNeel" 518, US, 539, (1977)

If you need more space, attach one additional sheet.

B. Action Requested: TITLE 15 ART 5658, 2932, 3335, 3320-L. PC5054. (1) Conflict of Interest Deprived against Lt STELAR as per his Intention exist and he know it by Plaintiff. Conflict of Interest. (2) 115 is INVIOLATION as EVIDENCE DOESN'T SHOW STATEMENT of IMPROV LOVE ect. (3) Dismissal of 115.

Inmate/Parolee Signature: Jimmie Stephen Date Submitted: 9-20-05

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

115 # F3-05-410..

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

Staff Signature: _____ Title: _____ Date Completed: _____
 Division Head Approved: _____ Returned _____
 Signature: _____ Title: _____ Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other _____

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: OCT 17 2005 Due Date: NOV 28 2005

☐ See Attached Letter

Signature: [Signature] Date Completed: 11/22/05

Warden/Superintendent Signature: [Signature] Date Returned to Inmate: NOV 29 2005

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____
☐ See Attached Letter

Date: _____

ON 9-15-05 I Plaintiff JIMMIE STEPHEN
 WAS FOUND "GUILTY" by "LT SHELAR" of "stalking"
 OFFICER "M. BELTON" A "POTENTIAL WITNESS" IN CASE
 #84-0064-GIC.. AS ELEMENTS OF "STALKING" WAS NOT
 MET OR "CANNOT BE MET".. AS "NO DANGEROUS" nor
 "CRIMINAL PURPOSE" SHOWN BY ALLEGED LOG.. NEITHER
 IS THERE A "VICTIM". NOR CHARGE OF "STALKING" IN TITLE 15..
"Cause of action"

this action ALLEGED began ON 8-5-05 by a
 "J. McNEIL" of mailroom SUPERVISOR, whom HAS
 VIOLATED "FEDERAL LAWS" by "maliciously opening"
 PROPERLY MARKED "LEGAL MAIL" as shown by
 "LT SHELAR" as EVIDENCE USED FOR GUILT ON
 9-15-05.. AND "SUPPRESSING" LETTER, "ENVELOPE" for "DEFENSE".
"Victim"

THERE IS "NO VICTIM" IN THIS MATTER OR AN
 "INTENT" to "HARASS" "to stalk" or "COMPLAINT" by "VICTIM".
 AS NAME "BONNER" OR "BELTON" DOCUMENTS ARE REFERRED too..
CONFLICT OF INTEREST

① "MCNEIL" GAVE ALLEGED "LETTER", "ENVELOPE", et to
 SGT CLARKE A DEFENDANT IN CASE 84-0064.. CONFLICT EXIST.

② "LT SHELAR" HEARING OFFICER of 9-15-05 DENIES
 LAWSUIT AND 13 OTHERS BEING HELD BY COURT, BECAUSE
 PRESENT LAWSUIT AGAINST THEIR "ATTORNEY" THE "ATTORNEY
 GENERAL" OFFICE FOR FILING FALSE DOCUMENTS.. CONFLICT EXIST
"ENTIRE CASE CONTAMINATED"

TRUE AGAINST LAW AND EVIDENCE

DATE 9-19-05

SIGNATURE Jim Steh

EXHIBIT 2

Copy of memo from Counselor "LOPO"
DATED 3-21-08 of REVIEWING these
Documents

STATE OF CALIFORNIA
OFFICE MEMO
STD. 100 (REV. 4-95)

DATE
3/21/08

TO

Stephens

ROOM/STA. NO.

FROM

D. Lloyd cci

PHONE NUMBER

CALNET ☐

ROOM/STA. NO.

SUBJECT

F4I —

I you need something like
this — JUST SUBMIT AN
INMATE REQUEST — It's much
faster (#1) and (#2) Appeals would have
rejected it — telling you to submit
a Request to your counselor. —

I checked your disciplinary section
& could not find the "re-issued/
re-heard 115 for this case. If this
did not happen you must submit
your appeal to RJD not CMC —
RJD did not comply w/ the
mod order.

95 28511

EXHIBIT [#]3

CONF of LEGAL STATUS DATED 6-14-07
ADDING 60 DAYS to APPEND of 8-8-05
for "LEGAL and RETERRING" of 12-16-05..

THIS ACT by COUNSELOR "OSHURO" IS
ILLEGAL UNDER DOM [#]54100.18.3..

PAGE [#]2 STATES 60 DAYS found in APPEND
of 6-14-07..

CDC NUMBER C56483	NAME STEPHEN, JIMMIE, EARL	1149X	ETHNIC BLA	BIRTHDATE 07/18/1952
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ACA STEPHENS, JIMMIE
 ACA STEPHENS, JIMMIE, EARL

TERM STARTS 04/22/1991	LIFE TERM STARTS 10/09/2001	MIN ELIGIBLE PAROLE DTE 10/09/2011
---------------------------	--------------------------------	---------------------------------------

BASE TERM 15/00 + ENHCMNTS 20/00 = TOT TERM 35/00 TO LIFE PAROLE PERIOD LIFE

PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
A714077	674					336		11	1021

PC296 DNA COMPLETED
 NOTIFICATION REQUIRED PER P3058.6

INMATE COPY

DOC. HEARING: / DEFENSE ATTORNEY: KESSEL, A.
 INIT. HEARING: 09/2010 INVESTIGATING AGENCY: PD/LA

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE DESCRIPTION	SENTENCE DATE	CREDIT CODE	OFFENSE DATE
-----------------	---------------------	---------------------	---------------	----------------	-----------------

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --

4/22/1991	LA	A714077	4/10/1991		
		03 P667.5 (B)	PPT-NV	1	
		03 P667 (A)	01 PFC SERIOUS	1	
01	P187 2ND	MURDER 2ND		32	06/06/1989
		(O) WPN			
		12022.5 USE		1	

IWTIP WAIVER DATE	BEGINNING BALANCE	CREDIT APPLIED	TOTAL LOST	TOTAL RESTORED	NET TOTAL
04/22/1991	0	2537	360	270	2447

CREDITS AUTO RE-VESTED PER PC-2934 : 5

TRAN TYPE	DATE	END DATE	LOG NUMBER	RULE NUMBER	VIOL CAT	DAYS
WCL	01/26/1993		0193B49	3005 (B)	F	30
WCL	08/25/1993		0893D066	3005 (B)	F	30
WCL	02/14/1995		0295D041	3005 (B)	F	30
WCL	04/28/1995		0495D080	3005 (C)	B	150
WCG	04/22/1991	12/31/1996				916

***** CONTINUED *****

CDC NUMBER C56483 NAME STEPHEN, JIMMIE, EARL

WCL	02/21/1997		A97020035	3012	F	30
WCR	06/19/1997		0193B49			30
WCR	06/19/1997		0893D066			30
WCR	06/19/1997		A97020035			30
WCR	03/24/1999		0495D080			150
WCG	01/01/1997	12/31/1999				981
WCG	01/01/2000	09/30/2001				639
WCG	09/30/2001	09/30/2001	ADJ			1
WCL	08/08/2005		F305410 X	3005 (A)	E	60
WCL	10/04/2006		F206567	3005 (B)	F	30
WCR	04/24/2007		F206567			30

INMATE COPY

TRAN TYPE	DATE	END DATE	LOG NUMBER	RULE NUMBER	DAYS	ASSESS	LOST	REST	DEAD
CON	02/01/1983								
ADD	11/19/1982								
ADD	12/21/1984								
ADD	04/22/1991								
ADD	04/22/1991								
CURRENT PC BALANCE:			457	CURRENT BC BALANCE:			1370		

60 day WCL NOT previously entered found during Audit

JIMMIE STEPHEN C56483
A-1149

P. O. Box 8101

San Luis Obispo, California
93409-8101

CALIFORNIA MEN'S COLONY
STATE PRISON
SAN LUIS OBISPO CA 93409



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San Francisco, California